

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 1/22/19

MUSAFIRI G. KABENGA,

Petitioner,

– against –

ERIC H. HOLDER, JR.; U.S. DEPARTMENT OF
JUSTICE; R. GIL KERLIKOWSKA; JAMES T.
MADDEN; U.S. CUSTOMS AND BORDER
PROTECTION; JEH JOHNSON; and U.S.
DEPARTMENT OF HOMELAND SECURITY,

Respondents.

ORDER

14 Civ. 9084 (ER)

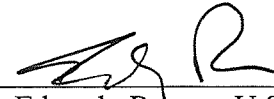
Ramos, D.J.:

On November 14, 2014, Petitioner Musafiri G. Kabenga filed a petition for writ of habeas corpus seeking review of an order of removal issued by the Varick Street Immigration Court. Doc. 1. He contemporaneously moved to stay his removal pending the adjudication of his petition. Doc. 3. Judge Shira Scheindlin stayed Kabenga's removal on January 2, 2015, then ultimately granted his petition on February 19, 2015. Doc. 13, Doc. 22.

On April 24, 2015, Respondents appealed Judge Scheindlin's order granting Kabenga's petition. Doc. 26. Later, on appeal, Respondents moved to dismiss the appeal as moot. Doc. 27. The Second Circuit granted Respondents' motion to dismiss, vacated the district court's judgment, and remanded the case to the district court with instruction to dismiss for lack of jurisdiction. Doc. 27. Pursuant to that instruction, the Court hereby dismisses the case for lack of jurisdiction, as it has become moot. *See DeFunis v. Odegaard*, 416 U.S. 312, 316 (1974); *New York City Employees' Ret. Sys. v. Dole Food Co.*, 969 F.2d 1430, 1433 (2d Cir. 1992).

SO ORDERED. The Clerk of the Court is directed to close the case.

Dated: January 22, 2019
New York, New York

A handwritten signature in black ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.